

**AGENDA  
TOWN BOARD AND WATER BOARD MEETING**

June 3, 1998  
Wednesday

Town Hall  
7:30 P.M.

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PUBLIC HEARING – PROPOSED EXTENTION NO. 12 TO NWCWD  
PUBLIC HEARING – OC COMMUNITY DEVELOPMENT BLOCK GRANT FY-99

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1. MINUTES

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

WATER DEPARTMENT

SANITATION DEPARTMENT

- 2. Motion-Authorization for Supervisor to execute Easement Agreement-Sewage ejection pump
- 3. Motion-Approving sale of sewage capacity-STP-Jagger, Robert & MaryAnn Subdivision 6-5-46.223

GENERAL

- 4. Motion-Authorization-Initiation of condemnation proceedings & hiring of appraiser Drainage Project
- 5. Receive and file-Notice of Claim
- 6. Receiver and file-Correction Deed-VanLeeuwen to TNW-Ann Elizabeth Dr. P/O 55-1-119.5
- 7. Receive and file-Executed SFY1998/99 NY Statewide Mass Transportation Operating Assistance Program Contract
- 8. Receive and file-NWVAC Slate of Officers for 1998
- 9. Receive and file-Bids-Used Town vehicles
- 10. Motion-Award Bids-Used Town vehicles
- 11. Motion-Authorize issuance of solicitors permit
- 12. Motion-Authorize issuance of solicitors permit
- 13. Receive and file-Annual Audit
- 14. Motion-Authorization for executive of Easement – Town wide drainage project – Phase 2A & 2C
- 15. Motion-Authorize CAMO Pollution Control to proceed with head works analysis and application to USEPA

16. OFFICIALS REPORTS

17. PUBLIC FORUM

18. ADJOURN

REGULAR TOWN BOARD AND WATER BOARD MEETING  
WED., JUNE 3, 1998; 7:30 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Meyers, Councilman Finnegan,  
Councilwoman Mullarkey, Councilwoman  
Townsend, Councilman Green

OTHER OFFICIALS PRESENT: Police Chief Koury, Highway Superintendent Pullar

Supervisor Meyers called to order the Regular Town Board and Water Board Meeting  
and presided over same.

#1 On Agenda – MINUTES

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town  
Board of the Town of New Windsor approve the Minutes of the Regular Town Board and  
Water Board Meeting held on May 6, 1998 and the Special Town Board Meeting held on  
May 8, 1998, as per the copies posted on the Town Clerk's bulletin board in the Town  
Hall and same distributed to each of the Town Board Members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS

NONE

HIGHWAY DEPARTMENT

NONE

WATER DEPARTMENT

NONE

SANITATION DEPARTMENT

#2 On Agenda – Motion-Authorization for Supervisor to Execute Easement Agreement-  
Sewage Ejection Pump

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town  
Board of the Town of New Windsor authorize Supervisor Meyers to execute an Easement  
Agreement dated the 27<sup>th</sup> day of May, 1998 from FRANK R. WORTMANN, R.D.#1,  
Box 409, Bull Mill Road, Chester, New York 10918 to the Town of New Windsor, this  
agreement is for maintenance of a sewage ejection pump located at 116 Moores Hill  
Road in the Town of New Windsor known as Section 34, Block 1, Lot 16.

Roll Call: All Ayes

Motion Carried: 5-0

#3 On Agenda – Motion-Approving Sale of Sewage Capacity-STP-Jagger, Robert &  
MaryAnn Subdivisions 6-5-46.223

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town  
Board of the Town of New Windsor adopt the following Resolution:

**WHEREAS**, sewage capacity exists at the New Windsor Sewage Treatment Plant which  
is owned by Moodna Creek Development Ltd; and

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**WHEREAS**, Cornwall Warehousing Inc. is an additional party in interest in the sewage capacity; and

**WHEREAS**, both Moodna Creek Development Ltd. and Cornwall Warehousing Inc. have executed a letter concurring with the sale of 1,600 gpd. to Robert and MaryAnn Jagger to be used in connection with the construction of five (5) single-family homes in the Jagger Subdivision on Union Avenue in the Town of New Windsor.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of New Windsor authorize the sale of the sewage capacity from Moodna Creek Development Ltd. to Robert Jagger and MaryAnn Jagger for 1,600 gpd. to be used in connection with the construction of five (5) single-family homes in the Jagger Subdivision on Union Avenue in the Town of New Windsor; and

**BE IT FURTHER RESOLVED** that the Attorney for the Town be authorized to forward a letter to Robert and MaryAnn Jagger informing them of the Town Board action.

Roll Call: All Ayes

Motion Carried: 5-0

GENERAL

#4 On Agenda – Motion-Authorization-Initiation of Condemnation proceedings & Hiring of Appraiser Drainage Project

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor adopt the following Resolution:

**WHEREAS**, the Town of New Windsor is in the process of implementing a drainage improvement project which will benefit the residents and taxpayers in the Town; and

**WHEREAS**, the Engineer for the Town, McGoey, Hauser and Edsall Consulting Engineers P.C., has prepared plans and specifications for the drainage project; and

**WHEREAS**, the Engineer and Attorney for the Town has contacted each of the homeowners from whom easements are required, and has successfully obtained easements from all but four of the necessary parties; and

**WHEREAS**, the Engineer for the Town has contacted Robert L. & Jamene C. Kopman, 350 Butternut Drive (80-6-13), Errol Foschini, 13 Shaker Court (80-6-9), Rafael E. & Linda Villafane, 11 Shaker Court, (80-6-8), New Windsor, New York (25-5-51.3) and James A. & Linda Cleaves, 352 Butternut Drive (80-6-12.1), with respect to seeking easements for the drainage project; and

**WHEREAS**, negotiations for obtaining the easement have not been successful to date; and

**WHEREAS**, it is imperative that the easements or a right-of-entry be obtained in order for the drainage project to proceed.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of New Windsor authorize the Town Supervisor to engage an appraiser for the purposes of obtaining an appraisal under the provisions of the NYS Eminent Domain Law, and further authorize the Town Supervisor to submit an offer to each of the above property owners, based on the appraisals; and

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**BE IT FURTHER RESOLVED** that the Town Board of the Town of New Windsor, having determined that the Town officials have made a good-faith effort to acquire the easements required from the above property owners, by negotiations, and that said negotiations have failed, hereby authorize the Town Supervisor, Attorney for the Town and Engineer for the Town to undertake immediately condemnation of the portion of the parcel necessary for the Town drainage project, including a right-of-entry in accordance with the provisions of the NYS Eminent Domain Law.

Roll Call: All Ayes

Motion Carried: 5-0

**#5 On Agenda – Receive and File-Notice of Claim**

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Notice of Claim in the matter of Kelly A. Stach, Stephen Stach and Deborah Stach against the Town of New Windsor. Same being referred to the Attorney for the Town.

**#6 On Agenda – Receive and File-Correction Deed-VanLeeuwen to TNW-Ann Elizabeth Drive P/O 55-1-119.5**

Hearing no objection, the Town Board of the Town of New Windsor receives and files a correction deed from Henry P. VanLeeuwen and Elizabeth Ann VanLeeuwen dated March 3, 1998 and recorded in the Orange County Clerk's Office in Liber 4766 at page 325 on April 21, 1998.

**#7 On Agenda – Receive and File-Executed SFY 1998/99 NY Statewide Mass Transportation Operating Assistance Program Contract**

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk an executed copy of the SFY 1998/99 NY Statewide Mass Transportation Operating Assistance Program Contract with the County of Orange, regarding the Dial-A-Bus Program.

**#8 On Agenda – Receive and File NWVAC Slate of Officers for 1998**

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk the New Windsor Volunteer Ambulance Corps slate of officers for 1998.

**#9 On Agenda – Receive and File-Bids-Used Town Vehicles**

Hearing no objections, the Town Board of the Town of New Windsor receive and file bids received and publicly opened on May 28, 1998 for the sale of Used Town Vehicles.

**#10 On Agenda – Motion-Award Bids-Used Town Vehicles**

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town Board of the Town of New Windsor award the following bids for used Town vehicles:

1997 Dodge Pickup VIN#W24BE7S133025 to Liberty Motors -	\$ 117.99
1986 Lincoln VIN#1LNBP98MOGY726366 to Liberty Motors -	\$ 969.99
1987 Chev. Caprice VIN#1G1BL51Z3HX228483 to Liberty Motors	\$ 839.99
1991 Ford Crown Victoria VIN#2FACP72F5MX161461 to Mark Gottenberg	\$1227.00
1991 Ford Crown Victoria VIN#2FACP72F1MX104688 to Mark Gottenberg	\$1671.00
1991 Ford Crown Victoria VIN#2FACP72FXMX104687 to Mark Gottenberg	\$1571.00
1993 Chev. Caprice VIN#1G1BL5376PW135294 to Bay Ridge Motors	\$3376.00
1993 Chev. Caprice VIN#1G1BL5377PW135059 to Bay Ridge Motors	\$3476.00
1994 Chev. Caprice VIN#1G1BL52W4RR157076 to Bay Ridge Motors	\$3276.00

Roll Call: All Ayes

Motion Carried: 5-0

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#11 On Agenda – Motion-Authorize Issuance of Solicitors Permit

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the issuance of a solicitors permit submitted by Ibrahim Moumani, 37 Spruce Street, Poughkeepsie, New York to sell packaged ice cream from an ice cream truck throughout the Town of New Windsor. Permit to be obtained from the Town Clerk.

Roll Call: All Nays

Motion Lost: 5-0

#12 On Agenda – Motion-Authorize Issuance of Solicitors Permit

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor authorize the issuance of a solicitors permit submitted by Lori M. Moroney, 23 Hoppenstedt Road, Wallkill, New York to sell food items from a push cart at 833 Union Avenue, New Windsor, New York (Jim Moroney's Inc.). Permit to be obtained from the Town Clerk

Roll Call: Councilman Green, Aye; Councilwoman Townsend, Aye; Councilwoman Mullarkey, Aye; Councilman Finnegan, Nay; Supervisor Meyers, Nay  
Motion Carried: 3-2

#13 On Agenda – Receive and File-Annual Audit

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk the Annual Audit of the Town of New Windsor, as of December 31, 1997, prepared by Nugent and Haeussler, P.C.

#14 On Agenda – Motion-Authorization For Executive of Easement – Town Wide  
Drainage Project – Phase 2A & 2C

Motion by Councilman Green, seconded by Councilwoman Townsend that the Town Board of the Town of New Windsor authorize the Supervisor to execute the following easements in connection with the Town-Wide Drainage Project:

Phase 2A:

- |   |         |
|---|---------|
| 1. Cohen, Richard M. and Dorsey, Jeryl A. | 49-1-7  |
| 2. Kaduk, Eleanor                         | 45-1-38 |
| 3. Bank of New York                       | 49-1-28 |

Phase 2C:

- |  |        |
|--|--------|
| 4. DeGennaro, Nicholas J. and Paula L. | 73-1-3 |
|--|--------|

Roll Call: All Ayes

Motion Carried: 5-0

#15 On Agenda – Motion-Authorize CAMO Pollution Control to Proceed with Head  
Works Analysis and Application to USEPA

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor authorize CAMO Pollution Control to proceed with head works analysis at the Sewage Treatment Plant and an application to the United States Environmental Protection Agency to increase TOX discharge limits from the New Windsor Landfill. Cost not to exceed \$12,000.00. As per the recommendation of McGoe, Hauser and Edsall Consulting Engineers, P.C. under the date of May 19, 1998.

Roll Call: All Ayes

Motion Carried: 5-0

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#16 On Agenda – OFFICIALS REPORTS

The following reports were received, recorded and filed with the Town Clerk:

Police Report	Month of April 1998
Tax Receiver's Report	Month of May 1998
Town Clerk's Report	Month of May 1998
Recreation Department Report	Month of May 1998
Town Justice Thorpe's Report	Month of May 1998

#17 On Agenda – PUBLIC FORUM

Hearing no one wishing to speak, Supervisor Meyers entertained a motion to close the Public Forum portion of the Agenda.

Motion by Councilman Finnegan, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 5-0

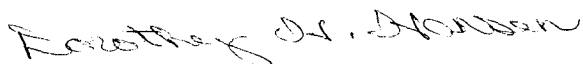
#18 On Agenda – ADJOURN

Motion by Councilwoman Townsend, seconded by Councilman Green that the Town Board of the Town of New Windsor adjourn the Regular Town Board and Water Board Meeting at 7:52 P.M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,



DOROTHY H. HANSEN  
TOWN CLERK

DHH:sh